

APPROVED: Meeting No. 38-97

ATTEST: *Paula S. Jewell*

MAYOR AND COUNCIL
ROCKVILLE, MARYLAND
Meeting No. 34-97

August 4, 1997

The Mayor and Council convened in General Session in the Council Chamber, Rockville City Hall, 111 Maryland Avenue, Rockville, Maryland, on August 4, 1997, at 7:40 p.m.

PRESENT

Mayor Rose G. Krasnow

Councilmember Robert E. Dorsey

Councilmember James T. Marrinan

Councilmember Robert J. Wright

ABSENT

Councilmember Glennon Harrison (On travel)

In attendance: City Manager Rick Kuckkahn, City Clerk Paula Jewell and City Attorney Paul Glasgow.

Re: City Manager's Report

1. Mr. Kuckkahn stated that Item B of the Consent Agenda (a Bid Award for roof system improvements to the North Indoor Swim Pool at the Swim Center) was withdrawn at the request of staff.

2. The City's smooth seal resurfacing project began July 23 and was on schedule. The program is part of a long-running preventive maintenance effort which surfaced streets on an eleven year cycle. This year, for the first time, older streets with five or six applications of smooth seal are being milled and completely resurfaced.

Meeting No. 34-97

2

August 4, 1997

Mr. Kuckkahn explained the three step process and said that residents should avoid driving on the tacky glue surface because it will stick to tires and cause tracking onto other surfaces.

3. The August issue of Rockville Reports has a completely new look in terms of format and content. There is a new column entitled "City Projects Update" which will give citizens advance notice of major projects affecting their neighborhoods. Articles will contain more of a featured slant with front page articles focusing on significant newsworthy events and projects occurring throughout the City. A higher quality white paper is being used to freshen up the appearance and give the newsletter a more contemporary, interesting and friendly appearance. Mr. Kuckkahn expressed his appreciation to the staff of the City's Graphics and Printing Division, who created the new design.

4. Beginning November 15, the City's water meter technicians will no longer collect delinquent water bills door-to-door. These transactions are often in cash and it was determined for variety of reasons, that the door-to-door collections were no longer appropriate. Customers will be notified of the change in an enclosure with their utility bill, as well as through articles in Rockville Reports.

5. The City will celebrate National Night Out on August 5. Residents are encouraged to turn on their porch lights and join one of the 33 "National Night Out Against Crime" block parties scheduled throughout the City. The Mayor and Council plan to visit as many block parties as possible and look forward to seeing the residents there.

Meeting No. 34-97

3

August 4, 1997

Re: Certificates of
Appreciation to the
individuals who assisted
the residents of the
Blandford Apartments.

Ms. Krasnow commented that the Mayor and Council were pleased to recognize the many individuals who spent countless hours and emotional energy assisting the residents of the Blandford Apartments. At the end of October 1996, the residents received notice that they would have to vacate their homes around Christmas Eve. Many organizations and individuals became involved by working with the residents and assisting them in relocation, advising and guiding tenants about their rights, and helping to relocate the tenants: Montgomery County Department of Housing and Community Affairs, Health and Human Services' Office of Emergency Services, Housing Charities, Inc., Community Ministries of Rockville, Fair Housing Council of Greater Washington, Housing Opportunities Commission of Montgomery County. Most noteworthy were a group of homeless persons from the Chase Partnership House who helped Blandford tenants load their belongings onto moving trucks. In addition, members of the City's own Landlord-Tenant Commission and City of Rockville staff, such as Sondra Block, Terry Treschuk, Andrew Cole, Charles Wilkinson, Mandy Bendersky and Ed Duffy also put in many long hours throughout the process.

The Mayor and Council presented Certificates of Appreciation to those persons who were able to be present. David Berenbaum, of the Fair Housing Council of Greater Washington offered his own remarks on the unified effort.

Meeting No. 34-97

4

August 4, 1997

Mayor Krasnow said that in an effort to maintain affordable housing in the City, the Mayor and Council recently approved a \$250,000 loan to assist the developer in maintaining the renovated units as affordable housing.

Re: Citizens Forum - This time is set aside to hear from any citizen who wishes to address the Mayor and Council.

1. Randy Slovic, Sierra Club reported on the end of the one year cycle of her stream monitoring efforts. She reminded the Mayor and Council that in October, she reported that there were no signs of insects in the Cabin John stream, which was evidence of an unhealthy stream. She decided to walk the tributaries that came down from the office buildings in that area and she found a disinfectant and a degreaser container which had been thrown into the stream. She said that this was what most likely caused the absence of insect life, and she stressed the need for educating people about dumping hazardous, toxic materials into the water ways.

Councilmember Marrinan agreed that public education was very important. He has witnessed people disposing their antifreeze into the public storm sewers. He said that people needed to understand that this type of disposal ended up in our streams and subsequently into the drinking water.

2. Vicky Freedman, 100 Wall Street said that she was representing a group of residents on Wall Street (some of whom were present) and on Potomac Street. For years, residents used the Chestnut Lodge field for recreational purposes and were in support of

Meeting No. 34-97

5

August 4, 1997

having a tot lot included as part of the Hillrose development. The residents were disappointed to learn that the Mayor and council decided to drop the requirement that the tot lot be placed on the east side of the development, and asked that the Mayor and Council reinstate the requirement.

3. Sondra Pescoe, Acting Executive Director, Rockville Housing Authority introduced herself and said she looked forward to the renewed relationship between the City and the Housing Authority.

4. John Moser and Don Boebel, Co-Chairs, F. Scott Fitzgerald Centennial Committee briefed the Mayor and Council on the second annual F. Scott Fitzgerald Literary Conference scheduled on September 27 at Montgomery College. The Conference will feature Frances Ring (Fitzgerald's last secretary), Eileen McGuckian (Peerless Rockville) and Writer John Barth.

Re: Appointments

Upon motion of Councilmember Wright, duly seconded and unanimously passed, David Melnick, Kathy Mitchell and Jerry Gegan were appointed to serve temporarily on the Board of Appeals to hear Variance Application APP97-0642.

Upon motion of Councilmember Dorsey, duly seconded and unanimously passed, Rusty Wallace was appointed to serve as Chairperson of the Human Services Advisory Commission.

Re: Approval of Minutes

Upon motion of Councilmember Wright, duly seconded and unanimously

Meeting No. 34-97

6

August 4, 1997

passed, the Minutes of Meeting No. 25-97 (May 27, 1997) were approved with amendments.

Upon motion of Councilmember Wright, duly seconded and unanimously passed, the Minutes of Meeting No. 26-97 (June 2, 1997) were approved as submitted.

Upon motion of Councilmember Wright, duly seconded and unanimously passed, the Minutes of Meeting No. 26A-97 (June 3, 1997) were approved as submitted.

Upon motion of Councilmember Wright, duly seconded and by a 4 to 0 vote (Councilmember Marrinan abstained), the Minutes of Meeting No. 26B-97 (June 9, 1997 Morning Worksession) were approved as submitted.

Upon motion of Councilmember Wright, duly seconded and passed by a 4 to 0 vote (Councilmember Marrinan abstained), the Minutes of Meeting No. 27-97 (June 9, 1997) and Meeting No. 27A-97 (June 10, 1997) were approved as submitted.

Re: Consent Agenda

Councilmember Wright requested removal of Consent Agenda Item A.

Upon motion of Councilmember Marrinan, duly seconded and unanimously passed, the following Consent Agenda Items were approved:

- (B) **(WITHDRAWN)**
Award of Bid #10-98
To: Interstate Corporation
Of: Rockville, MD
In the amount of: \$129,500

For: Roof system improvements to the
North Indoor Swim Pool, Rockville
Municipal Swim Center

Meeting No. 34-97

7

August 4, 1997

- (C) Award of Bid #11-98
To: AEO Construction Co., Inc.
Of: Laurel, MD
In the amount of: \$86,173

For: Roof system improvements at the
City Water Treatment Plant

- (D) Award of Bid #12-98
To: Superior Industrial Maintenance
Company, Inc.
Of: Concord, NC
In the amount of: \$696,609.00

For: Repairing and Repainting the
interior and exterior of the Hunting Hill
Water Tank.

- (E) Award of Contract
To: Fortran Corporation
Of: Newington, Virginia
In the amount of: \$21,068.13

For: Maintenance for
telecommunications systems

- Re: (Item A)
Award of Bid #3-98
To: Jupiter Contracting Company
Of: Harman, MD
In the amount of: \$245,022.00

For: Routine Maintenance of 35 Regional
Storm Water Management Facilities

Councilmember Wright requested removal of Item A in order to comment about the City's responsiveness in terms of storm water management. He said that the Bid Award was for \$245,022 to perform routine maintenance at 35 regional SWM facilities.

Meeting No. 34-97

8

August 4, 1997

There was an annual cost associated with establishing such regional facilities, and Mr. Wright said that the City's concern about the environment and maintenance of the facilities was part of that concern. Upon motion of Councilmember Wright, duly seconded and unanimously passed, the Bid was awarded to Jupiter Contracting Company in the amount of \$245,022. Councilmember Dorsey suggested that it would be a good idea to remind residents in the neighborhoods whenever the maintenance of the storm water management facilities was taking place.

Re: Presentation of three finalists' proposals for Rockville Senior Center artwork.

Cultural Arts Commissioner George Northway said that a call for entries was distributed to over 2,000 artists for artwork at the Rockville Senior Center. Twenty-nine artists submitted responses and the Artist Nomination Committee selected three finalists to create site-specific proposals. Mr. Northway presented the works of the finalists. Following the presentation, he said that the Commission recommended that all three proposals be rejected and that a new call for entries be sent out.

Virginia Onley, Chair of the Senior Citizens Commission and member of the Artist Nomination Committee, said that the three proposals went on display at the Senior Center in order to obtain comments on each proposal. She said that the general reaction of the senior population was a dislike of all three, and she noted some of the specific objections. She encouraged the Mayor and Council to support the CAC's recommendation to reject the three proposals.

Mayor Krasnow said that she saw the three proposals when they were displayed in the City Hall Atrium. She said that the recommendation to reject the proposals was not a reflection on the quality of the artists; however, she did not feel that any of them captured the essence of the Senior Center, which was a special and unique place.

Upon motion of Councilmember Marrinan, duly seconded and unanimously passed, the Cultural Arts Commission recommendation was accepted.

Re: Adoption of Ordinance to Grant Map Amendment Application MAP97-0063 to reclassify 39.6 acres of the Chestnut Lodge property from R-S, Suburban Residential to R-90, One-Family Detached, Restricted Residential Zone, Hillrose, L.L.C., Fall Line Company, Chestnut Lodge Research Institute, Inc., and Anthony Bullard, Trustee, Applicants.

and

Re: Adoption of Resolution to Approve PRU97-0019, Exploratory Application for a Planned Residential Unit development on a 39.6 acre portion of the Chestnut Lodge property, Hillrose, L.L.C., Applicant.

Meeting No. 34-97

10

August 4, 1997

For approval of 149 single family residential units on the property at Great Falls Road opposite Monument Street.

Councilmember Marrinan said that he had become increasingly uneasy about the Map Amendment Application rationale. He did not feel comfortable with the density of the development and some of the possible adverse environmental aspects of the PRU Exploratory Application. A lot of work had gone into the project by the developer and the residents of West End; however there was still a significant amount of concern by the Planning Commission and individual residents. He said that he could not support the Map Amendment Application or the PRU Application as it was submitted.

Councilmember Wright agreed that a lot of work had gone into the process and he said there were some amenities which were gained by the development. However, the Mayor and Council heard continuing concerns about the high density that accompanied an R-90 zoning, and that made him uncomfortable with the change in the Map Amendment and the ensuing PRU Application.

Councilmember Dorsey said it was interesting to see how the citizens of the community came together and participated in the process. However, he still was uncomfortable with the density as well as the idea that a mistake had been made. Each time the issue was discussed, he found compelling arguments on both sides which made it more difficult to not raise his own objections. Mr. Dorsey said that he could not support the Map Amendment or the Exploratory Application as it was currently submitted.

Regarding the Map Amendment, Mayor Krasnow said that when the process first began, she looked at the surrounding zoning to try and determine if a mistake had been made. Because there were densities in the area other than R-S; it first seemed to her that a mistake had been made, based on the assumption that Chestnut Lodge would continue operating as a psychiatric institution. Ms. Krasnow said she then began looking at the issue globally and at other changes found in the zoning. Because the project involved "piecemeal" zoning and was not a sectional map amendment, there were factors that had to be proven with respect to a mistake. She was not convinced that the City has been able to prove them. Mayor Krasnow remarked that Councilmember Harrison had said from the beginning, that he did not feel a mistake was made in zoning the property. She also said it was more evident that there were concerns about the fundamental propriety of placing the property, which was in the middle of the Historic District, into an R-90 zone with the ensuing density that the project evoked and the change in neighborhood character. She also did not feel comfortable finding that this was a mistake and would cast her vote to keep the existing R-S zoning.

Upon motion of Councilmember Marrinan, duly seconded and unanimously passed by those who were present, staff was directed to bring forth a resolution at the September 8th General Session, to deny the requested Map Amendment Application and a resolution to deny the PRU Exploratory Application.

Meeting No. 34-97

12

August 4, 1997

Re: Resolution to extend the time to
make a decision on Map
Amendment Application
MAP97-0063.

Resolution 20-97

Mr. Glasgow advised the Mayor and Council that they had to make a decision within 90 days of the May 19 Public Hearing. Since they would be in summer recess until the September 8 General Session, a final action to deny both applications would have to wait until September 8, which was past the 90 day period. Mr. Glasgow advised that it would be appropriate for the Mayor and Council to adopt a resolution to extend the time by an additional 60 days for a decision to be made. Upon motion of Councilmember Wright, duly seconded and unanimously passed by those who were present, the Mayor and Council extended the 90 day period by an additional 60 days. Mr. Glasgow advised that the record still remained closed on both matters. A copy of the full text of the resolution may be found in Resolution Book No. 11 of the Mayor and Council.

Re: Discussion and Instructions to
Staff - Text Amendment
Application TXT97-0158, Joseph
A. Lynott, Esquire for
Washington Real Estate
Investment Trust, Applicant.

This application proposes a new methodology for calculating the number of parking spaces required for multiple-use buildings in the TCM-2 Zone.

The Mayor and Council discussed at length, the differences between

Meeting No. 34-97

13

August 4, 1997

accessory restaurants and destination type restaurants, and how the text amendment would apply to different buildings and sites in downtown Rockville.

They agreed that it would be better to limit the use, in terms of a destination restaurant, to 4,500 square feet in any particular building; however they don't feel that it should be any restaurant of up to 4,500 square feet. There should only be 4,500 total square feet of restaurant use in any one building which would not count towards the parking requirement. The Mayor and Council also want the ordinance to be clear as to what constitutes an accessory restaurant. Staff was instructed to bring forth the ordinance on September 8, with the modifications discussed.

Re: Discussion and Instructions to
Staff - Text Amendment
Application TXT97-0161,
Stephen J. Orens, Esq. for
Medical Center Development
Corporation, Inc., Applicant.

To amend Division 7 of Article
XII, Comprehensive Planned
development (CPD) procedures,
to allow development of small
tracts within an area
recommended for CPD in the
Master Plan.

and

Re: Discussion and Instructions to
Staff - Text Amendment
Application TXT97-0162,
Stephen J. Orens, Esq. for
Medical Center Development
Corporation, Applicant.

Meeting No. 34-97

14

August 4, 1997

To amend Section 25-395(9) of the Zoning Ordinance to change the requirement for the number of parking spaces required for medical and dental clinics.

Mr. Wright said that he supported both Text Amendment Applications.

Councilmember Marrinan said that his difficulty was that there was a standard for HMOs and there were different types of HMOs. He said that there should be one standard for medical and dental clinics and HMOs. From the standpoint of health care economics, any one type of health care delivery system was at an economic disadvantage by having a different standard, and he did not want to see two different standards in the City of Rockville.

Councilmember Wright commented that he felt the Applicant adequately explained the auxiliary functions that went on in an HMO which resulted in a parking standard requirement at a higher number spaces. He said that he believed that there could be a different parking standard for an HMO and one for medical and dental clinics.

Mayor Krasnow said that just as the applicant, Dr. Young, provided the Mayor and Council with data on parking at his building, she would like to see parking standard information for similar buildings. If upon review of such information, the Mayor and Council felt the standard needed to be changed for HMOs, they could consider doing so at that time. Mayor Krasnow said that she was comfortable with approving the standard at the one space for each 250 square feet of Gross Floor Area.

Meeting No. 34-97

15

August 4, 1997

Staff was instructed to draft ordinances for both text amendments as modified and to leave the parking standard at one space per 250 square feet of Gross Floor Area.

Re: Discussion and Instructions to Staff - Text Amendment Application TXT97-0163, Rockville Center, Inc., Applicant.

To modify the parking requirements of Sections 25-395 and 25-693 to allow reductions based on non-overlapping peak parking needs and other modifications of parking requirements associated with a Preliminary Development Plan (PDP) application.

Mr. Duffy noted the following issues that were reviewed and recommended by the Planning Commission. The Mayor and Council discussed their comments on each issue:

1. Automated Teller Machines - That no parking spaces be required for pedestrian based ATMs. Mayor and Council have no objection with this recommendation.
2. Apartments - The Planning Commission recommended that the current standards should continue to apply (requiring one space for units with no separate bedroom, 1.25 spaces for each unit with one separate bedroom and 1.5 spaces for each unit with two or more bedrooms). Staff's recommendation was that there be 1.25 spaces per unit with a separate bedroom and one space per unit for studio units. The Mayor and

Meeting No. 34-97

16

August 4, 1997

Council agreed with Councilmember Dorsey's point that there also needed to be a parking allowance for guests visiting someone in a multiple dwelling unit. They also agreed to leave the standard as is, unless evidence is shown that some future review of the standard was needed.

3. Transit Station Links - Include a specific definition that transit station links be defined as an exterior pedestrian walkway accessible to public use and separate from vehicular traffic that provided a direct connection for Metrorail stations. This definition would only apply to the new promenade in downtown Rockville, unless a direct promenade was built at some other Metrorail station.

4. Accessory restaurants fronting a Transit Station Link - The Mayor and Council agreed with the recommendation that there be one space per five employees, with no patron space and that the definition of an accessory restaurant fronting a station link include restaurants with no more than 2,000 square feet.

5. Retail establishments fronting a Transit Station Link - The Mayor and Council agreed with the recommendation of one space per five employees with no patron space required for retail sales, trade, or merchandising establishments having a gross floor area of less than 1,500 square feet.

6. Changes to Section 25-693 - Town Center Parking, Loading and Access Requirements

(A) Justification for 30 Percent Reduction of Required Parking Spaces - Mayor and Council agreed with recommendation that the concepts regarding

overlapping peak needs and common patrons should be separated when justifying the parking reduction.

- (B) Buildings in excess of 250,000 square feet of gross floor area (This proposal was withdrawn by the applicant). If needed, the issue can be reviewed further in the development process.

7. Departure from the number of parking spaces required - The Planning Commission did not recommend approval of this proposal and the Mayor and Council agreed that this issue should be set aside.

8. Concept of overlapping peak needs - Mayor Krasnow noted that a memo was received from the Traffic and Transportation Commission indicating their disagreement with this concept. The Mayor and Council agreed that there was no point in requiring uses that will primarily be evening-oriented uses to provide parking for daytime uses as well.

Staff was instructed to prepare an ordinance for introduction on September 8, to modify the parking requirements of Sections 25-395 and 25-693.

Re: Adoption of Resolution to provide for a further public hearing in connection with Annexation Petition ANX95-0120 for the annexation of 95.53 acres of land, more or less, Rock Creek Associates B, et al, Applicant.

For a public hearing on the annexation of improved and

Meeting No. 34-97

18

August 4, 1997

unimproved property located east of Frederick Avenue, in the area known as "Metro Park North."

Resolution No. 19-97

A public hearing was held on the annexation petition in May 1995. Since that time, the annexation and a companion text amendment (TXT95-0146) to create the I-5 zone have been on hold, pending resolution and agreement on certain issues associated with the annexation. The applicant requested that the process be continued and since the original public hearing was held over two years ago, a second hearing is required to bring the Mayor and Council up to date on the issues associated with the application.

Upon motion of Councilmember Marrinan, duly seconded and unanimously passed, the Resolution setting forth the public hearing date of September 15, 1997, was adopted. A copy of the full text of Resolution No. 19 may be found in Resolution Book No. 11 of the Mayor and Council.

City Clerk's Note: Resolutions numbered 20-97 and 19-97 are shown out of sequential order herein due to the fact that both Resolution numbers had been assigned out of sequence after adoption, but prior to the preparation of these Minutes.

Re: Correspondence

Councilmember Wright expressed his concern about Charles Stuart, the Mayor of Kensington (and President of the Montgomery County Chapter of the Maryland Municipal League) who was hospitalized at Suburban Hospital with a serious illness. Mr. Wright said that he and others were concerned about Mayor Stuart's health. Mr. Wright expressed his own prayers and hope for Mr. Stuart's recovery, although he said that the

Meeting No. 34-97

19

August 4, 1997

prognosis was not good. He also extended condolences to the family of Mr. Stuart and to the residents of Kensington.

Re: New Business

There being no items to discuss under New Business, Mayor Krasnow declared this portion of the meeting closed.

Re: Adjournment

There being no further business to come before the Mayor and Council, the meeting was adjourned at 9:35 p.m., to convene again in General Session at 7:30 p.m. on September 8, 1997, or at the call of the Mayor.